

1 DAVID S. KAHN, Esq.  
2 Nevada Bar No. 007038  
3 J. SCOTT BURRIS, Esq.  
4 Nevada Bar No. 010529  
5 JUAN P. RODRIGUEZ, Esq.  
6 Nevada Bar No. 010733  
7 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
8 300 South Fourth Street, 11<sup>th</sup> Flr.  
9 Las Vegas, NV 89101  
10 (702) 727-1400; FAX (702) 727-1401  
11 [david.kahn@wilsonelser.com](mailto:david.kahn@wilsonelser.com)  
12 [j.scott.burris@wilsonelser.com](mailto:j.scott.burris@wilsonelser.com)  
13 [juan.rodriguez@wilsonelser.com](mailto:juan.rodriguez@wilsonelser.com)  
14 Attorneys for Defendants  
15 Andrus Transportation Services, Inc.; C.R. England, Inc.;  
16 Central Refrigerated Services, Inc.; D.P. Curtis Trucking, Inc.;  
17 DATS Trucking, Inc.; High Country Transportation Group, LLC;  
18 Kelle's Transportation Services, Inc.; Knight Refrigerated LLC;  
19 Knight Transportation, Inc.; L.W. Miller Companies, Inc.;  
20 Manuel Huerta Trucking, Inc.; Navajo Express, Inc.;  
21 RSC Equipment Rental, Inc.; RSC Holdings, Inc.;  
22 Silica Transport, Inc. (STI); and Swift Transportation Co., LLC

13 THE UNITED STATES DISTRICT COURT

14 FOR THE DISTRICT OF NEVADA

15 PJC LOGISTICS, LLC, ) CASE NO. 2:11-cv-00418-GMN-LRL  
16 Plaintiff, )  
17 v. )  
18 ACT TRANSPORTATION, LLC; AMERICAN )  
19 FREIGHTWAYS, LP; ANDRUS )  
20 TRANSPORTATION SERVICES, INC.; C.R. )  
21 ENGLAND, INC.; CENTRAL REFRIGERATED )  
22 SERVICES, INC.; D.P. CURTIS TRUCKING, )  
23 INC.; DATS TRUCKING, INC.; DESIGN )  
24 LOGISTICS, LLC; GARDNER TRUCKING, LLC; )  
25 HENDRICKSON TRUCKING, INC.; HIGH )  
26 COUNTRY TRANSPORTATION GROUP, LLC; )  
27 KELLE'S TRANSPORTATION SERVICES, INC.; )  
28 KNIGHT REFRIGERATED LLC; KNIGHT )  
TRANSPORTATION, INC.; L.W. MILLER )  
COMPANIES, INC.; MANUEL HUERTA )  
TRUCKING, INC.; NAVAJO EXPRESS, INC.; )  
NORTH PARK TRANSPORTATION CO.; RSC )  
EQUIPMENT RENTAL, INC.; RSC HOLDINGS, )  
INC.; SILICA TRANSPORT, INC. (STI); SWIFT )  
TRANSPORTATION CO., LLC; and )  
TRANSPORTATION COMMODITIES, INC. )  
Defendants. )

1 Defense counsel David S. Kahn of WILSON, ELSER, MOSKOWITZ, EDELMAN &  
2 DICKER LLP filed on July 15, 2011, a Motion (Docket Number 18) on behalf of all defendants,  
3 seeking permission to extend the time to file answers. This is believed to be the initial filing for all  
4 defendants in this action. The motion is understood to be unopposed, based on agreement between  
5 counsel in the various nationwide and multijurisdictional actions involving Qualcomm, which  
6 manufactures the device at issue as to certain of the named defendants. Counsel was retained to act  
7 as local counsel for those defendants using the Qualcomm product in this action, but learned after  
8 filing the Motion that the Motion was mistakenly filed as to all defendants, while certain defendants  
9 named in this action are not users of the Qualcomm product. It appears that this litigation may soon  
10 transfer to the multijurisdictional litigation in another venue, and the Motion was filed to allow for  
11 an orderly transfer of this matter.

12 Due to mistake, inadvertence, and excusable neglect, counsel mistakenly filed the Motion on  
13 behalf of all named defendants, though this firm is not retained or authorized to act on behalf of all  
14 named defendants. Local counsel for plaintiff was advised of this situation. The filing on behalf of  
15 the following defendants was in error, and it is requested that the court docket reflect that this firm is  
16 not counsel of record for these companies, and that no initial appearance was properly made for any  
17 such company. Further, it is requested that the Motion (Docket Number 18) be withdrawn as to only  
18 the parties not represented by this firm, but that the Motion be decided and remain at issue as to all  
19 other parties. If the Court feels that an Errata pleading is insufficient under the circumstances, it is  
20 requested in the alternative that this be considered counsel's Motion to Withdraw, pursuant to LR IA  
21 10-6(b). As the filing of the Motion on behalf of the unrepresented parties was not authorized by  
22 them, it is further requested that no such party be prejudiced by this counsel's filing in error, and that  
23 the Motion (Docket Number 18) not work an appearance for, or a waiver of any jurisdictional issues  
24 on behalf of, any such party. The below parties identified as not being represented by this counsel  
25 have not communicated with this office, and likely have no idea that this filing occurred. No delay  
26 of any aspect of this litigation will occur as a result of the withdrawal of this counsel. A list of the  
27  
28

1 parties which counsel does not represent follows  
2

- 3 • Act Transportation, LLC;
- 4 • American Freightways, LP;
- 5 • Design Logistics, LLC;
- 6 • Gardner Trucking, LLC;
- 7 • Hendrickson Trucking, INC.;
- 8 • North Park Transportation Co.;
- 9 • Transportation Commodities, Inc.

10 Several of the defendant entities were sued under multiple entity names, and all but one of  
11 these defendants is a new client to this office, such that counsel was unfamiliar with the various  
12 related entity names. To be clear, the defendants which counsel does represent, and for which the  
13 Motion (Docket Number 18) should remain at issue, are as follows:

- 14 • Andrus Transportation Services, Inc.;
- 15 • C.R. England, Inc.;
- 16 • Central Refrigerated Services, Inc.;
- 17 • D.P. Curtis Trucking, Inc.;
- 18 • DATS Trucking, Inc.;
- 19 • High Country Transportation Group, LLC;
- 20 • Kelle's Transportation Services, Inc.;
- 21 • Knight Refrigerated LLC;
- 22 • Knight Transportation, Inc.;
- 23 • L.W. Miller Companies, Inc.;
- 24 • Manuel Huerta Trucking, Inc.;
- 25 • Navajo Express, Inc.;
- 26 • RSC Equipment Rental, Inc.;
- 27 • RSC Holdings, Inc.;
- 28 • Silica Transport, Inc. (STI); and

1                   • Swift Transportation Co., LLC  
2

3                   This Motion is filed the next court day after the filing in error of the Motion, and no parties  
4                   have been prejudiced or harmed by counsel's action. It is unknown by this counsel whether any of  
5                   the parties not represented by this firm have counsel or intend to file a responsive pleading in this  
6                   case, and no contact information for those entities is known by this counsel. It is requested that this  
7                   Errata or, alternatively, Motion to Withdraw, be promptly adjudicated such that no action is taken by  
8                   the Court on behalf of those parties not represented by this counsel as the result of the recent filing in  
9                   error.

10  
11                   DATED this 18<sup>th</sup> day of July, 2011.

12                   WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

13  
14                   

15                   David S. Kahn, Esq.  
16                   Nevada Bar No. 007038

17                   J. Scott Burris  
18                   Nevada Bar No. 010529

19                   Juan P. Rodriguez  
20                   Nevada Bar No. 010733

21                   300 South Fourth Street, 11<sup>th</sup> Flr.  
22                   Las Vegas, Nevada 89101

23                   Attorneys for Defendants

24                   Andrus Transportation Services, Inc.; C.R. England, Inc.;  
25                   Central Refrigerated Services, Inc.; D.P. Curtis Trucking, Inc.;  
26                   DATS Trucking, Inc.; High Country Transportation Group, LLC;  
27                   Kelle's Transportation Services, Inc.; Knight Refrigerated LLC;  
28                   Knight Transportation, Inc.; L.W. Miller Companies, Inc.;  
29                   Manuel Huerta Trucking, Inc.; Navajo Express, Inc.;  
30                   RSC Equipment Rental, Inc.; RSC Holdings, Inc.;  
31                   Silica Transport, Inc. (STI); and Swift Transportation Co., LLC

1  
2 **CERTIFICATE OF SERVICE**

3 I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker, LLC and that  
4 on this 18 day of July, 2011, I did cause a true copy of the foregoing  
5 document to be electronically transmitted to the Clerk of Court using the ECF System for filing.  
6 Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic  
7 Filing to the following ECF registrants:  
8

9  
10 L. Joe Coppedge  
11 SHEA & CARLYON, LTD.  
12 701 Bridger Ave., Ste. 850  
13 Las Vegas, NV 89101  
14 (702) 471-7432  
15 (702) 471-7435  
16 [jcoppedge@sheacarlyon.com](mailto:jcoppedge@sheacarlyon.com)

17 R. Mark Dietz (pro hac vice)  
18 DIETZ & JARRAD, P.C.  
19 106 Fannin Ave. East  
20 Round Rock, TX 78664  
21 (512) 244-9314  
22 [Rmdietz@lawdietz.com](mailto:Rmdietz@lawdietz.com)

23 Attorneys for Plaintiff  
24 PJC Logistics, LLC

25  
26   
27 An Employee of  
28 WILSON, ELSER, MOSKOWITZ, EDELMAN  
& DICKER LLP